

**IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

**In re: CURTIS DALE GOSS  
MARGARET MARIAN GOSS**

**Case No.: 17-61251-can-13**

**Debtors**

**MOTION TO DENY CONFIRMATION OF PLAN**

COMES NOW Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the proposed plan (document #23), filed on or about February 20, 2018. In support thereof, the trustee states that the issues related to the proposed plan include:

1. 11 U.S.C. Section 1325(a)(4):

The trustee calculates non-exempt equity in the amount of \$20,073.83 in the debtors' residence. The trustee's calculations are based on the creditor's proof of claim lien amount. The trustee has used the value of the residence as stated by debtors' on Schedule A/B. The debtors are proposing a plan that will pay less to the non-priority unsecured creditors than if the estate were liquidated under Chapter 7.

2. Petition / Schedules / Statement of Financial Affairs / Etc. Not Complete:

Schedule I indicates that Mr. Goss is currently receiving pension/retirement distributions. The debtors have not listed any pension/retirement plan on Schedule A/B other than an IRA with Fidelity Investments. Please clarify if this is the source of the pension/retirement income.

WHEREFORE, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

March 01, 2018

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee  
2345 Grand Blvd., Ste. 1200  
Kansas City, MO 64108-2663  
(816) 842-1031

**NOTICE OF MOTION**

**Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.**

Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order denying confirmation of the plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

**NOTICE OF SERVICE**

The following parties will be served either electronically or by United States First Class Mail and a certificate of service will be filed thereafter:

DEBTOR(S)

KENNETH P REYNOLDS (510209) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

KH /Motion - Deny Confirmation